

FRANKFORT/FRANKLIN COUNTY
PLANNING COMMISSION

APRIL 10, 2008
5:30 P.M.

VICE-CHAIRMAN PATTI CROSS, PRESIDING

Vice-Chairman Patti Cross called the meeting to order.
Recording Secretary Dianna Rogers called the roll.

Members Present:	Sherron Jackson	
	Charles Booe	
	Charles Stewart	
	Annie Metcalf	
	Brent Sweger	
	Joe Sanderson	
	Darrell Sanderson	
	Patti Cross	(8)

Members Absent:	Dwayne Cook	
	Erika Hancock	
	Keith Lee	(3)

There being a quorum, the meeting proceeded.

The minutes of March 13, 2008 were submitted for approval. The following corrections were noted: page 4, 2nd paragraph, 2nd sentence: word “allow” spelling corrected; page 5, 1st paragraph, 1st sentence: word “stated” corrected; page 6, 2nd paragraph, 1st sentence to read: asked if there was a median break; page 8, 8th paragraph, 6th sentence to have “two” corrected. A motion was made by Sherron Jackson to accept the minutes with the above corrections included. The motion was seconded by Joe Sanderson and carried unanimously.

There were no Reports of Officers . Under Standing Committee Report, Sherron Jackson deferred to Gary Muller, City Planning Director. Mr. Muller stated the Zoning Ordinance Update Committee met after previous Planning Commission discussion regarding farm animals in the City limits. The Zoning Ordinance Update Committee decided to not amend the City Zoning Ordinance and felt the City could amend their Ordinance if they chose to. Mr. Jackson, Chairman of the Zoning Ordinance Update Committee, stated he was in support of the decision of the Update Committee. Mr. Muller stated that with that decision, item two regarding this matter was pulled from the Planning Commission agenda tonight.

Also under Standing Committee Report, Mr. Joe Sanderson deferred to Mr. Muller regarding the JLUS Selection Committee.

Mr. Muller stated they have twelve (12) names on the list and they are still waiting for confirmation on a few other names. Mr. Muller hoped to have all the names available for the next Planning Commission meeting.

Under Staff Items, Mr. Robert Hewitt, County Planning Director, requested the Planning Commission amend the landscape plan for the Landfill. He stated as a result of the heavy rains, eighty-seven (87) trees planted along the creek had fallen down. He stated he went to the site. Mr. Hewitt stated the approval was based on the 1981 Flood Maps and there is a new 2007 map which shows a much greater area. He asked if he could work it out with BFI to locate the trees outside of the Flood Plain. Mr. Joe Sanderson asked if it was a reduction in standards. Mr. Hewitt stated no. Mr. Joe Sanderson asked if this would create equal or greater screening. Mr. Hewitt stated yes. Mr. Booe asked if it would cause the trees to be moved further away from residences. Mr. Hewitt stated yes and added it will raise the height for better screening.

A motion was made by Mr. Jackson that the County Planning Staff work with BFI to do a relocation of the trees and when done report back to the Planning Commission and if changes need to be made to the Development Plan they be made for accuracy purposes. The motion was seconded by Joe Sanderson and carried unanimously.

The first item of new business was a request, in accordance with 1.09 of the City's Zoning Ordinance Regulations, from John and Cindy Howard for a Waiver and Modification of Standard of the required privacy fence/screening depicted upon the approved site plan approved for the conditional use permit issued for 403 Swigert Avenue. The requested modification is to Article 7 – Landscape Regulations, Section 7.13 which requires 6' fence and trees and the applicant is requesting not to provide the 6' fence.

Mr. Gary Muller stated staff could not make findings based on 1.09. He did state the character of the area is open and there were not many privacy fences in the area. Mr. Booe asked why it was coming to the Planning Commission instead of the Board of Zoning Adjustment since was a condition of their approval. Mr. Muller stated it did meet the Zoning Ordinance originally but now they don't want to meet the requirements. Mr. Sweger asked what was the intent of having shrubs or a fence for the duplex. Mr. Muller stated because it was a higher intensity and the City Ordinance

feels a need to buffer to the single-family residences. Mr. Jackson stated in the BZA conditional use permit and conditions there were two options: a row of hedges or privacy fence. He added the applicant chose a privacy fence with trees and that was a condition of getting the conditional use permit. Mr. Jackson added the BZA would not have approved it without the condition. Mr. Muller added staff would not have supported it without the fence. Mr. Jackson stated the applicant agreed to the fence and what among the conditions have changed since then. Mr. Muller stated there has not been sufficient evidence provided to him.

Mr. Darrell Sanderson asked why the building inspector didn't catch this. Mr. Muller stated he should have and that it should not have taken this long to catch this situation. Mr. Jackson asked if there was sufficient room to install the fence and not conflict with the Zoning Ordinance. Mr. Muller stated yes. Mr. Joe Sanderson asked if the fence could be installed in a straight line with the trees. Mr. Muller stated the intent is to be in the side easement and the fence could meander around a tree. Mr. Joe Sanderson stated aesthetically it could look worse. Mr. Muller stated it could still be put in the five (5) foot easement. Mr. Sanderson asked if a hedge would be a compromise. Mr. Muller stated that would be acceptable to staff. Mr. Muller stated there was a concern that the existing driveway path is on the property line. Ms. Metcalf stated it appeared the drive lines up with a structure in the drawing. Mr. Muller stated it just needs to be two (2) feet off the property line.

Mr. Alvin Calvert, 952 Letcher, stated he wanted to see the privacy fence and that it was part of the deal.

Mr. John Howard, applicant, stated he wanted to eliminate the fence due to safety. He stated kids can't be seen and he added it would help in the maintenance of the trees. He stated the neighbor's driveway is only two (2) feet from the line and a fence could obstruct the view. He stated a fence would limit access to the side of the house and it would block the driveway view. Mr. Jackson asked if the side of the house was in the six (6) foot setback. Mr. Howard stated yes and stated his driveway is 25" from the property line. Mr. Jackson asked about hedges as an alternative to the fence. Mr. Howard stated that would still make it hard to get back there and they would be more expensive than a fence. Mr. Edwin Logan, Commission Attorney, asked what his alternatives were. Mr. Howard stated he would put a fence in the back. Mr. Howard stated the next

door neighbor, Mrs. Waits, wants a fence. Mr. Calvert stated mud runs off Mr. Howard's driveway onto Mrs. Waits property. Mr. Howard stated he would put 50 feet of fencing in the back. Mrs. Gladys Waits, 401 Swigert, stated she wants the fence to come down the side. Mr. Calvert stated the fence was a condition of the conditional use permit and he wants to see it installed. Mr. Sweger stated he went by the property and did not see many privacy fences out there. He stated it would take away the character of the area and cited letter E of the ordinance. He added the fence could affect some of the trees. Mr. Logan stated Mr. Sweger could not give testimony. Mr. Sweger stated Mr. Muller stated earlier there were not many privacy fences in the area. Mr. Jackson stated that was a fact when the conditional use permit was done.

A motion was made by Ms. Metcalf to deny the request for modification. The motion was seconded by Mr. Darrell Sanderson. Those voting in favor of the motion: Mr. Jackson, Mr. Booe, Mr. Stewart, Ms. Metcalf, Mr. Darrell Sanderson. Those voting against the motion: Mr. Sweger and Mr. Joe Sanderson. The motion carried by a vote of 5-2.

The next item of business was a Public Hearing from the City and the County Planning Staffs for approval of a text amendment to Section 2.07.03.C and 3.07.03.C of the Frankfort/Franklin County Subdivision and Development Plan Regulations to increase the maximum height of street lights to 35' for new commercial roadways.

The Recording Secretary called the item and swore in staff. Mr. Gary Muller was qualified by Mr. Logan. The reports were entered into the record without objection. Mr. Muller stated the changes were done at the request of the Plant Board.

There was no one in the audience to speak in favor or in opposition to the request.

A motion was made by Joe Sanderson to close the public hearing and accept the staff report as the summary and action be taken tonight. The motion was seconded by Mr. Jackson and carried unanimously.

Mr. Joe Sanderson made a motion, based on the staff reports, that the changes be done and approval be recommended to the City

and to the County legislative bodies. The motion was seconded by Mr. Darrell Sanderson and carried unanimously.

A motion was made by Mr. Jackson to adjourn. The motion was seconded by Darrell Sanderson and carried unanimously.

____ Vice-Chairman Patti Cross

____ Recording Secretary Dianna
Rogers